

City of Guyton, Georgia
PLANNING AND ZONING
PUBLIC HEARING AND MEETING
May 23, 2023 at 7:00 P.M.



C.D. Dean, Jr., Public Safety Complex
GUYTON GYMNASIUM
505 Magnolia Street
Guyton, GA 31312

AGENDA

1. **Call to Order**
2. **Public Hearing regarding Ordinance 2023-05 - Amendments to Zoning Laws**
3. **Public Hearing regarding Request for Annexation and Rezoning – Parcel No. 03190013 requesting annexation into the City of Guyton and subsequent rezoning. The Applicant requests that the property change from Effingham County zoning designation AR-2 to City of Guyton zoning designation R-1. This property is approximately 2.53 acres located on Brogdon Road.**
4. **Invocation and Pledge of Allegiance**
5. **Consideration to Approve the Agenda**
6. **Consideration to Approve Minutes of Meeting for January 24, 2023**
7. **Consideration of recommendation regarding Ordinance 2023-05 - Amendments to Zoning Laws**
8. **Consideration of recommendation regarding Request for Annexation and Rezoning– Parcel No. 03190013 requesting annexation into the City of Guyton and subsequent rezoning. The Applicant requests that the property change from Effingham County zoning designation AR-2 to City of Guyton zoning designation R-1. This property is approximately 2.53 acres located on Brogdon Road.**
9. **Consideration to Adjourn**

Rules of Decorum for All Meetings

The purpose of the Rules of Decorum is to foster an atmosphere of civil and courteous discourse, even and especially when discussing contentious topics, at all meetings held by the City of Guyton.

(a) General rules applicable to all (Mayor and Council, Staff, Members of the Public)

1. Each speaker will direct his or her comments to the Mayor and or presiding officer and not to any other individual present.
2. Each speaker will refrain from personal attacks, foul or abusive language, and will maintain a civil and courteous manner and tone.
3. Each speaker will speak only about agenda items. Members of the public will be limited to 3:00 minutes speaking time.
4. Members of the audience will respect the rights of others and will not create noise or other disturbances that will disrupt or disturb persons who are addressing the Mayor and Council or Committee or Board or Commission, or members of those bodies who are speaking, or otherwise impede the orderly conduct of the meeting.

(b) Additional Rules for Members of Mayor and Council, Committees, Boards or Commissions

1. Members of Mayor and Council, Committees, Boards or Commissions will conduct themselves in a professional and respectful manner at all meetings.
2. Members of Mayor and Council, Committees, Boards or Commissions will not speak until recognized by the Mayor or presiding officer.
3. Remarks by members of Mayor and Council, Committees, Boards or Commissions will be directed to the Mayor or presiding officer and not to individuals, other Council, Committee, Board or Commission members, staff or Members of the public in attendance. Questions for staff or individuals or other Council, Committee, Board or Commission members will be directed to the Mayor or presiding officer, who will then direct the appropriate person to answer.
4. Members of Mayor and Council, Committees, Boards or Commissions are always free to criticize or question policies, positions, data or information presented. However, members of Mayor and Council, Committees, Boards or Commissions will not attack or impugn the person presenting.

(c) Enforcement

The Mayor or presiding officer has the authority to enforce each of the Rules of Decorum regarding members of the public. If any Rule is violated, the Mayor or presiding officer will give the speaker a warning, citing the Rule being violated, and telling the speaker that a second violation will result in a forfeiture of the right to speak further. The Mayor or presiding officer also may have the offending speaker removed from the meeting if the misconduct persists. The Mayor or presiding officer shall not have any power under this provision regarding a Council, Committee, Board or Commission member.



City of Guyton
Planning and Zoning Committee
Public Hearing and Meeting Minutes
January 24, 2023– 7:00 p.m.

MINUTES OF MEETING

Call to Order – The City of Guyton’s Planning and Zoning Committee held a public hearing and committee meeting on January 24, 2023, at the City of Guyton Gymnasium at 505 Magnolia Street in Guyton. This meeting was called to order by Mike Gerwig at approximately 7:05 p.m. Mr. Mike Gerwig, Ms. Keawanna Greene, and Ms. Diann Hicklen were at this meeting. **Other Administrative Staff Present** – City Manager Meketa Brown and City Clerk Matthew Walker were present. **Guest Present** - The guest sign-in sheets are filed in the office of the City Clerk.

Public Hearing regarding Request for Rezoning – Parcel No. G0180041 requesting to be rezoned from R-1 to C-1. This property is approximately 1 acre located at 461 Fourth Street Ext., Guyton, GA 31312.

Bessie Black, Kaitlynn Thayer, Joseph Lee, and Michael Garvin all spoke in opposition. There were no comments made in support.

Invocation led by Hicklen and Pledge of Allegiance led by Green.

Consideration to Approve Agenda - Hicklen made a motion to approve the agenda. Green seconded. Motion passed unanimously.

Consideration to Approve Minutes of Meeting for November 22, 2022 - Hicklen made a motion to approve minutes of meeting for November 22, 2022. Green seconded. Motion passed unanimously.

Consideration to recommend approval of Request for Rezoning of Parcel No. G0180041 requesting to be rezoned from R-1 to C-1. This property is approximately 1 acre located at 461 Fourth Street Ext., Guyton, GA 31312 – Members voted 3-0 against recommending approval or Request for rezoning. Motion denied.

Consideration to adjourn - Hicklen made a motion to adjourn. Green seconded. Hearing adjourned at approximately 7:19 p.m.

City of Guyton

Mike Gerwig

Attest:

Matthew D. Walker, City Clerk

**CITY OF GUYTON
STATE OF GEORGIA**

ORDINANCE NO. 2023-05

AN ORDINANCE BY THE MAYOR AND COUNCIL FOR THE CITY OF GUYTON TO AMEND THE CITY OF GUYTON, GEORGIA ZONING ORDINANCE; TO PROVIDE FOR NOTICE; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Guyton, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government;

WHEREAS, the Mayor and Council have authority to amend the City of Guyton, Georgia Zoning Ordinance from time to time and where necessary to maintain adequate regulations;

WHEREAS, the duly elected governing authority of the City of Guyton, Georgia hereby resolve to amend the City of Guyton, Georgia Zoning Ordinance; and

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF GUYTON, in a regular meeting assembled and pursuant to lawful authority thereof, as follows:

Section 1. Article 6 – Intent of Land Use Districts and Specific Land Use District Regulation, Section 601 shall be amended in its entirety to now read as follows:

Section 601. R-1, Single Family Residential District

District Intent

This is the most restrictive residential district. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities needed to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the single-family residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

A. Uses Permitted

The following uses shall be permitted in the R-1, Single Family Residential District:

- (1) Single family residences (must meet the requirements in subsection D below);
- (2) Parks or playgrounds;
- (3) Country clubs, golf courses;

- (4) General purpose or gardening, but not the keeping of poultry or non-domestic animals;
- (5) Accessory buildings and structures; and
- (6) Home business offices.

B. Special Permit Uses

The following uses may be permitted in accordance with the provisions contained in Article Ten, and if additional conditions which may be required are met:

- (1) Public and private schools;
- (2) Public buildings and utilities;
- (3) Churches, synagogues, temples, mosques or other places of worship provided that such use is housed in a permanent structure, and no structure on the lot is closer than 25 feet from any residential property line;
- (4) Day care centers or kindergartens;
- (5) Manufactured housing (subject to O.C.G.A. § 36-66-7);
- (6) Modular homes (subject to O.C.G.A. § 36-66-7);
- (7) General purpose farm or garden that includes the keeping of poultry or non-domestic animals; and
- (8) Home occupations and Home Business Offices provided that the conditions set forth in in this Ordinance, including within Section 707, are met.

C. Area Regulation

Unless otherwise specified in this ordinance, uses permitted in R-1, Single Family Residential Districts shall conform to the following requirements:

- (1) Minimum lot area: 0.5 acres;
- (2) Minimum lot width at building line: 75 feet;
- (3) Minimum front yard setback from street: 25 feet;
- (4) Minimum side yard, setback from street: 25 feet; setback from other property line: 15 feet;
- (5) Minimum rear yard, setback from street: 25 feet; setback from other property line: 15 feet;
- (6) Maximum percentage of lot coverage: 30%;
- (7) Maximum building height: 35 feet.

D. Single-Family Residential Standards

All Single-Family Residences must meet the following standards in the R-1 District:

- (1) All structures including the primary structure and accessory structures shall be constructed with a pitched roof having a pitch of 3 in 12 or greater;
- (2) The roof shall be covered with asphalt composition shingles, 5-V metal roofing, or tile materials. Corrugated metal or plastic panels are prohibited;

- (3) The exterior wall shall be material similar to traditional site-built housing. These materials may include clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, stucco, brick, brick veneer, concrete block, or similar material: but shall not include smooth, ribbed or corrugated metal or plastic panels;
- (4) The minimum horizontal dimension of the structure as installed on the site shall be 24 feet;
- (5) The minimum floor area shall be 1200 square feet;
- (6) All principal structures shall be placed on a permanent foundation. For the purposes of this section, a permanent foundation shall mean a concrete slab, concrete footers, foundation wall, pilings or post construction, which complies with the County Building Code;
- (7) In no case shall wheels, chassis, any undercarriage or transporter unit be left on any structure;
- (8) All units must meet wind-loading requirements of Federal Emergency Management Administrator and the SBCCI Codes.

Section 2. Article 6 – Intent of Land Use Districts and Specific Land Use District Regulation, Section 602 shall be amended in its entirety to now read as follows:

Section 602. R-2, Residential District

District Intent

This residential district is created to provide low density multifamily residential dwellings, primarily in the form of two and three dwelling unit structures. Single family and other permitted uses allowed in the R-1 district are also permitted. Persons residing in this district are entitled to protection from other types of uses which are detrimental to the residential characteristics of the district. The regulations which apply to this district are designed to encourage the formation and continuance of a stable, healthy living environment for its residents.

A. Uses Permitted

The following uses shall be permitted in the R-2 Residential District:

- (1) Any use permitted in the R-1, Single-Family Residential District, except that single-family residences are not required to meet the standard listed in Section 601(D)(5) of this Ordinance.
- (2) Two-family dwellings (duplex);
- (3) Three family dwellings (triplex);
- (4) Boarding houses (not to exceed four units); and
- (5) Accessory uses and structures.

B. Special Permit Uses

The following uses may be permitted in accordance with the provisions contained in Article Ten, and if additional conditions which may be required are met:

- (1) Any special use permitted in the R-1, Single-Family Residential District; and
- (2) Nursing homes.

C. Area Regulations

Unless otherwise specified in this ordinance, uses permitted in R-2 Residential District shall conform to the following requirements:

- (1) Minimum Lot areas:
 - (a) Single family dwellings: 0.5 acres;
 - (b) Two and three family dwellings: 0.5 acres for the first two units, 4,000 square feet for each additional unit;
 - (c) Boarding houses: 0.5 acres for the first three units plus 4,000 square feet for each additional unit.
- (2) Minimum lot width at building line: 70 feet;
- (3) Minimum front yard setback from street: 25 feet;
- (4) Minimum side yard, setback from street: 25 feet; setback from other property line: 10 feet;
- (5) Minimum rear yard, setback from street: 25 feet; setback from other property line: 15 feet;
- (6) Maximum percentage of lot coverage: 35%;
- (7) Maximum building height: 35 feet;
- (8) Minimum dwelling unit size (heated area):
 - (a) Single family dwellings: 600 square feet;
 - (b) Two and three family dwellings: 600 square feet per unit;
 - (c) Boarding houses: none.

Section 3. Article 6 – Intent of Land Use Districts and Specific Land Use District Regulation, Section 603 shall be amended in its entirety to now read as follows:

Section 603. R-3, Medium and High Density Multifamily Residential District

District Intent

To provide for development of condominium dwelling units and medium to high density residential developments. This district's regulations are designed to encourage the formation and continuance of a stable and healthy residential environment while discouraging the encroachment of uses capable of adversely affecting the district's character.

A. Uses Permitted

The following uses shall be permitted in the R-3, Medium and High Density Multifamily Residential District:

- (1) All uses permitted in the R-1, Single Family Residential, and R-2 Residential Districts except that single family residences are not required to meet the standard listed in Section 601(D)(5);
- (2) Multiple family dwellings and apartments;
- (3) Single family condominium dwellings; and
- (4) Accessory uses and structures.

B. Special Permit Use

The following uses may be permitted in accordance with the provisions contained in Article Ten, and if additional conditions which may be required are met:

- (1) Any special use permitted in the R-1, Single Family Residential District or R-2, Low Density Multifamily Residential District.

C. Area Regulations

Unless otherwise specified in this ordinance, uses permitted in the R-3, Medium and High Density Multifamily Residential District shall conform to the following requirements:

- (1) Minimum lot area:
 - (a) Single family detached dwellings: 0.5 acres;
 - (b) Two and three family dwellings: 0.5 acres for the first two units and 4,000 square feet for each additional unit;
 - (c) Condominiums and multifamily dwellings of more than three units: 0.5 acres for the first two units; plus 2,000 square feet for each additional unit;
- (2) Minimum lot width at building line: 16 feet for condominium dwellings; 70 feet for all other uses;
- (3) Minimum front yard setback from street: 25 feet;
- (4) Minimum side yard, setback from street: 25 feet; setback from other property line: 1.0 feet; provided that for condominium dwellings which are not end units and have 0 feet side yards on each side adjoining another unit.
- (5) Minimum rear yard, setback from street: 25 feet; setback from other property line: 15 feet;
- (6) Maximum percentage of lot coverage: 55% for condominiums; 35% for all other permitted uses;
- (7) Maximum building height: 45 feet;
- (8) Minimum dwelling unit size:
 - (a) Single family dwellings, and condominium dwellings: 300 square feet;
 - (b) Two and three family dwellings: 600 square feet per unit;

(c) Multi-family dwelling of more than three units: 600 square feet for the first six units; 500 square feet per unit in addition to the first twelve (12) units.

Section 4. Article 6 – Intent of Land Use Districts and Specific Land Use District Regulation, Section 604 shall be amended in its entirety to now read as follows:

Section 604. R-4, Single Family Residential District

District Intent

The intent of this district is to provide distinct areas within the city where single family dwellings are allowed by right and single-family manufactured housing are allowed on a special permit use basis. It is intended that R-4 land use districts be limited to those areas of the city where manufactured homes and single-family dwellings have historically existed together but where single-family dwellings are the dominant housing type.

A. Uses Permitted

The following uses shall be permitted in the R-4, single Family Residential District:

- (1) Single family dwellings; except that single family residences are not required to meet the standard listed in Section 601(D)(5);
- (2) Parks and playgrounds;
- (3) Country clubs and golf courses;
- (4) General purpose farm or garden, but not the keeping of poultry or non-domestic animals;
- (5) Accessory uses and structures; and
- (6) Home business offices.

B. Special Permit Uses

The following uses may be permitted in accordance with the provisions contained in Article Ten, and if any additional conditions which may be required are met:

- (1) Manufactured houses (subject to O.C.G.A. § 36-66-7);
- (2) Modular homes (subject to O.C.G.A. § 36-66-7);
- (2) Public and private schools;
- (3) Public buildings and utilities;
- (4) Churches;
- (5) Day care centers and kindergartens;
- (6) Clubs, lodges, or fraternal organizations;
- (7) General purpose farm or garden that includes the keeping of poultry or non-domestic animals;
- (8) Home occupation.

C. Area Regulations

Unless otherwise specified in this ordinance, uses permitted in the R-4, Single Family Residential District shall conform to the following requirements:

- (1) Minimum lot area: 0.5 acres;
- (2) Minimum lot width at the building line: 75 feet;
- (3) Minimum front yard setback from street: 25 feet;
- (4) Minimum side yard, setback from street: 25 feet, setback from other property line: 10 feet;
- (5) Minimum rear yard, setback from street: 25 feet; setback from other property line: 15 feet;
- (6) Maximum percentage of lot coverage: 30%;
- (7) Maximum building height: 35 feet.

Section 5. Article 10 – Enforcement and Administration, Section 1005 shall be amended in its entirety to now read as follows:

Section 1005. Special Permit Uses

The uses listed under the various land use districts (Article Six) as "special permit uses" are so classified because they more intensely dominate the area in which they are located than do other uses, which are called permitted uses. Special permit uses are uses which would not normally be appropriate in a district unless strictly controlled as to size, lot coverage, impact on public services, visibility, traffic and other such characteristics. The following procedure is established to integrate the special permit uses with other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

- (1) When applying for a building permit, the applicant shall be informed by the Planning and Zoning Director that the proposed use is a Special Permit Use. The matter will then be referred to the Planning and Zoning Commission;
- (2) An application for special permit use shall be filed with the Building and Zoning Clerk at least thirty (30) days prior to the next regularly scheduled meeting of the City Planning and Zoning Commission. Such application shall be in substantially the same form as shall be available at City Hall, shall contain all information requested thereon and any other material or information pertinent to the request which the Planning and Zoning Commission may require, and shall contain the notation of the Planning and Zoning Clerk that the appropriate fee has been paid to the City of Guyton.
- (3) Public Hearings, Public Hearing Procedures, standards for consideration of applications for Special Permit Uses, and conditions for approval.

(A) Required Public Hearings

No official action shall be taken on any proposed Special Permit Use unless one public hearing has been held. The public hearing shall be conducted by the Planning and Zoning Commission.

(B) Procedure for Calling a Public Hearing

1. Prior to scheduling required public hearings, applicants shall complete all submission requirements provided by the Planning and Zoning Director (e.g., forms, fees, deeds, maps, etc.).
2. After the applicant satisfies all submission requirements, the Planning and Zoning Director shall notify the applicant of the date, time, and place of the required public hearing. Notice of such hearing shall be provided via mail to the owner of the property that is the subject of the proposed action at least 30 days prior to the hearing.
3. At least 30, but not more than 45 days prior to scheduled public hearings, the Planning and Zoning Director shall publish in the newspaper of general circulation, notice of the date, time, place, and purpose of the public hearing.
4. Not less than 30 days prior to the date of a public hearing, the Planning and Zoning Director shall post in a conspicuous location on the property in question a sign which shall contain information regarding the hearing on the proposed Special Permit Use; specifically, the date, time, place, and purpose of the public hearing.
5. The primary goal of conducting public hearings on a proposed special permit use shall be to solicit pertinent factual information which will be beneficial in helping the Planning and Zoning Commission evaluate the merits of each specific proposed special permit use.
6. Notice to Property Owners. The Planning and Zoning Director shall give notice of the date, time, place, and purpose of public hearings to be held by the Commission on proposed special permit uses to the owners of all properties abutting any part of the property for which approval of a special permit use is sought. The failure to notify as provided in this section shall not invalidate any recommendations or action adopted hereunder.
7. Action of Planning and Zoning Commission. The Planning and Zoning Commission may approve the application as requested, or it may require conditions for approval, or it may deny the application.
8. Denial of Applications for Special Permit Uses. If the decision of the Planning and Zoning Commission is to deny the Special Permit Use, then the same property may not again be considered for a Special Permit Use until the expiration of at least six (6) months immediately following denial of the Special Permit Use by the Planning and Zoning Commission.
9. Appeals of Decision. Appeals of the Planning and Zoning Commission decision shall go to the City Council. A written appeal must be submitted to the Planning and Zoning Director within fifteen (15) days of the decision from which appeal is taken.

(C) Procedure for Conducting a Public Hearing

Public hearings on special permits shall be conducted in the same manner as described in Section 1205 for zoning amendments.

(D) Standards for consideration of applications for Special Permit Uses

An application for a Special Permit Use may be granted by the Planning and Zoning Commission only if the applicant establishes to the satisfaction of the Planning and Zoning Commission that:

1. Neither the proposed use nor the proposed site upon which the use will be located will have significant adverse impact upon the value or quiet possession of surrounding properties greater than would normally occur from generally permitted uses in the zoning district. In reaching a determination on this standard, the Planning and Zoning Commission (or City Council if applicable) shall consider:

- a. The size of the proposed use compared with the surrounding uses;
- b. The intensity of the proposed use including amount to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses.
- c. The potential generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances;
- d. Unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which may tend to aggravate adverse impacts upon surrounding properties;
- e. The degree to which landscaping, fencing and other design elements have been incorporated to mitigate adverse impacts on surrounding properties.

2. City or other facilities serving the proposed use will not be overburdened or hazards created because of inadequate facilities. In reaching a determination on this standard, the Planning and Zoning Commission (or City Council if applicable) shall consider:

- a. The ability of the traffic to safely move into and out of the site at the proposed location;
- b. The presence of facilities to assure the safety of pedestrians passing by or through the site;
- c. The capacity of the street network to accommodate the proposed use;
- d. The capacity of the sewerage and water supply systems to accommodate the proposed use;
- e. The capacity of the storm drainage system to accommodate the proposed use;
- f. The ability of the fire department to provide necessary protection services to the site and development.

3. The natural characteristics of the site, including topography, drainage, and relationship to ground and surface waters and floodplain shall not be

such that the proposed use when applied on the site will cause undue harm to the environment or to neighboring properties.

(E) Conditions for approval of proposed Special Permit Uses

Upon consideration of the standards listed in section (D) above, the Planning and Zoning Commission and/or the City Council may require such conditions, in addition to those required by other provisions of the City of Guyton Zoning Ordinance, as it finds necessary to ensure compliance with those standards and all other applicable requirements of the Zoning Ordinance. Violation of any of those conditions shall be a violation of the Zoning Ordinance. Such conditions may include, but are not limited to, specifications for: type of landscaping/vegetation, increased setbacks and yards, buffers, specified sewage disposal and water supply facilities, hours of operation, operational controls, professional inspection and maintenance, sureties, location of piers, docks, parking, and signs, and types of construction.

Section 6. Article 10 – Enforcement and Administration, Section 1006 shall be amended in its entirety to now read as follows:

Section 1006. Variances

The Planning and Zoning Commission may authorize a variance from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zoning district in which the proposed use would be located. In granting a variance, the Planning and Zoning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purpose of this ordinance.

A. Conditions Governing the Granting of a Variance

A variance may be granted by the Planning and Zoning Commission only in the event that all of the following circumstances exist:

- (1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from lot size or shape, topography or other circumstances over which the owners of the property since enactment of this ordinance have had no control;
- (2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of property in the same zoning district or vicinity possess;
- (3) The variance would not materially be detrimental to the purposes of this ordinance or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objective of any city plan or policy;
- (4) The variance requested is the minimum variance which would alleviate the hardship;

- (5) The lot in question cannot yield a reasonable return unless the variance is granted; and
- (6) The need for a variance is not the result of the action of the owner or previous owner.

B. Public Hearings, Public Hearing Procedures, and Procedures for Taking Action on proposed Variances

(1) Required Public Hearings

No official action shall be taken on any proposed Variance unless a public hearing has been held by the Planning and Zoning Commission. Public Hearings on Variances shall be conducted in the same manner as described in Section 1205 for zoning amendments.

(2) Procedure for Calling a Public Hearing

(a) Prior to scheduling the required public hearings, applicants shall first complete all submission requirements provided by the Planning and Zoning Director (e.g., forms, fees, deeds, maps, etc.). A complete application must be filed (30) thirty days prior to the Planning and Zoning Commission meeting where the application will be heard. The application shall be substantially in the same form as shall be available at City Hall and shall contain the notation of the City Clerk or Finance Director that the appropriate fee has been paid and shall be accompanied by a list of names and addresses of all abutting property owners of the property for which the variance is requested, as shown by the current tax maps and indexes thereof. The failure to notify as provided in this section shall not invalidate any recommendations or actions adopted hereunder.

(b) The Planning and Zoning Director shall then notify the applicant of the date, time, and place of the required public hearing. Notice of such hearing shall be provided via mail to the owner of the property that is the subject of the proposed action at least 30 days prior to the hearing.

(c) At least 30, but not more than 45 days prior to scheduled public hearings, the Planning and Zoning Director shall publish in the newspaper of general circulation, notice of the date, time place, and purpose of the public hearing.

(d) Not less than 30 days prior to the date of a public hearing, the Planning and Zoning Director shall post in a conspicuous location on the property in question a sign which shall contain information regarding the proposed Variance; specifically, the date, time, place, and purpose of the public hearing.

(e) The official action shall not be taken on a proposed variance by the Planning and Zoning Commission until after the required public hearing has been conducted. The Commission may conduct more than one hearing if the Commission deems necessary.

(f) The primary goal of conducting public hearings on a proposed variance shall be to solicit pertinent factual information which will be beneficial in helping the Planning and Zoning Commission evaluate the need of the proposed variance.

(3) Notice to Property Owners

The Planning and Zoning Director shall give notice of the date, time, place, and purpose of public hearings to be held by the Planning and Zoning Commission on proposed variances or special permits by mail to the owners of all properties abutting any part of the property proposed to be changed. The failure to notify as provided in this Section shall not invalidate any recommendations or action adopted hereunder.

(4) Action By Planning and Zoning Commission.

The Planning and Zoning Commission shall render its decision based on the variance criteria in Section 1006(A) above. The Planning and Zoning Commission shall notify the applicant within five days of its decision.

(5) Time Limit on Permit for Variance.

Authorization of a variance shall be void after one year unless substantial construction has taken place. However, the Planning and Zoning Commission may extend authorization for an additional period not to exceed one year, on request.

(6) Denial of Variances.

Decisions of the Planning and Zoning Commission may be appealed to the City Council as described in Section 1203 of this ordinance. If the decision of the Planning and Zoning Commission is to deny the Variance, then the same property may not again be considered for a Variance the expiration of at least six (6) months immediately following the defeat of the Variance by the Planning and Zoning Commission.

Section 7. Article 11 – Appeals, Section 1105 shall be amended in its entirety to now read as follows:

Section 1105. Court Review of City Council Action

(1) Any person, persons, or entities jointly or severally aggrieved by a final zoning decision may appeal the decision as provided in O.C.G.A. § 36-66-5.1.

(2) In order to comply with O.C.G.A. § 36-66-5.1(c), the Mayor or Planning and Zoning Director, as appropriate, is authorized to issue certiorari bonds and certificates of costs.

(3) For purposes of certiorari proceedings, the Mayor or Planning and Zoning Director, as appropriate, is authorized to accept service.

Section 8. Article 12 – Amendments to the Zoning Ordinances, Section 1205 shall be amended in its entirety to now read as follows:

Section 1205. Public Hearings, Public Hearing Procedure, and Rezoning Standards

(1) Required Public Hearings

No official action shall be taken on any proposed zoning amendment unless a public hearing has been held. The public hearing shall be conducted by the Planning and Zoning Commission.

(2) Procedure for Calling a Public Hearing

(a) Prior to scheduling of the required public hearing, applicants shall first complete all submission requirements provided by the Planning and Zoning Director (e. g., forms, deeds, maps, etc.) Incomplete applications shall not be processed. There shall be no amendment made to the application once submitted.

(b) The Planning and Zoning Director shall then notify the applicant of the date, time, and place of the required public hearing. Notice of such hearing shall be provided via mail to the owner of the property that is the subject of the proposed action at least 30 days prior to the hearing.

(c) At least 30, but not more than 45, days prior to scheduled public hearings, the Planning and Zoning Director shall publish in the newspaper of general circulation, notice of the date, time, place, and purpose of the public hearing.

(d) If a zoning amendment is for the rezoning of property, the public notice shall also include: (1) the location of the property; (2) the present zoning classification of the property; and (3) the proposed zoning of the property.

(e) Not less than 30 days prior to the date of a public hearing, the Planning and Zoning Director shall post in a conspicuous location on the property in question a sign which shall contain information regarding the proposed rezoning (specifically, the date, time, place, and purpose of the public hearing).

(f) No official action shall be taken on a proposed amendment by the City Council until after the required public hearings have been conducted.

(g) The primary goal of conducting public hearings on proposed zoning amendments shall be to solicit pertinent factual information which will be beneficial in helping the Planning and Zoning Commission and the City Council evaluate the merits of each specific proposed amendment.

(3) Notice to Property Owners.

The Planning and Zoning Commission shall give notice of the date, time, place, and purpose of public hearings to be held by it on proposed amendments or supplements by mail to the owners of all properties abutting any part of the property proposed to be changed. The failure to notify as provided in the Section shall not invalidate any recommendations adopted hereunder.

(4) Action on Planning and Zoning Commission.

The Planning and Zoning Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall then be certified to the City Council.

(5) Action of the City Council.

The City Council shall consider the recommendations of the Planning and Zoning Commission and vote on the proposed amendment to the text or map of the Zoning Ordinance after the Planning and Zoning Commission's public hearing. If the proposed amendment is not recommended by the Planning and Zoning Commission, the favorable vote of a majority of the entire membership (3 of 4

members) of the City Council shall be required to make the amendment effective. The applicant and others so requesting shall receive notice of the decision of the City Council through the Planning and Zoning Director.

(6) Conditions of Zoning Amendments.

Upon consideration of the standards listed below, the Planning and Zoning Commission may recommend and the City Council may require such conditions, in addition to those required by other provisions of this Ordinance. Violation of any of those conditions shall be a violation of this Ordinance. Such conditions may include, but are not limited to, specifications for: type of landscaping/vegetation, increased setbacks and yards, specified sewage disposal and water supply facilities, hours of operation, operational controls, professional inspection and maintenance, sureties, location of piers, docks, parking and signs, and types of construction.

(7) Denial of Rezoning.

If the decision of the City Council is to deny the rezoning of property, then the same property may not again be considered for rezoning until the expiration of at least six (6) months immediately following the denial of the rezoning by the City Council.

(8) Action by City to Rezone Property to Original Zoning.

When an amendment (rezoning) has been granted for a parcel of land on request by the owner or his agent and no building permit has been applied for within twelve (12) months of the date of the rezoning, the Planning and Zoning Director will initiate action to rezone the parcel to its original zoning. The procedures in this article shall be followed, except that no fees shall be paid.

(9) Procedure for Conducting a Public Hearing

(a) All public hearings on zoning amendments shall be chaired by either the Chairman of the Planning and Zoning Commission or the Mayor of Guyton or their designees.

(b) A secretary shall record the proceedings of the public hearing. If requested by any party, verbatim transcripts of the public hearing can be prepared, but only if requested and purchased in advance by the requesting party.

(c) The record of the public hearing and all evidence submitted at the public hearing shall be recorded as such and become a permanent part of the particular zoning amendment's file.

(d) The Chairman of the Planning and Zoning Commission or his or her designee shall preside at the public hearing and shall identify speakers, maintain order, and conduct the public hearing.

(e) The process to be followed in conducting these hearings shall be as follows:

1. The presiding officer shall open the hearing by setting the specific zoning amendment being considered at the public hearing.

2. Speakers at the public hearing shall be allowed no less than ten (10) minutes per side for the presentation of data, evidence, and opinions, provided, however, that the presiding officer may at his or her discretion elect to extend this time period equally to proponents and opponents. .

3. The presiding officer shall recognize the individual parties wishing to testify or present evidence and allow them to present this information.

4. Once all parties have concluded their testimony, the presiding officer shall adjourn the public hearing.

(10) Zoning Amendment Criteria

The following factors will be used to determine whether the rezoning is appropriate:

- (a) Whether the rezoning is a logical extension of a zoning boundary which would improve the pattern of uses in the general area;
 - (b) Whether the rezoning is an illogical extension of a zoning boundary;
 - (c) Whether the rezoning is likely to lead to neighborhood deterioration, the spread of blight, and requests for additional zoning of a similar nature which would expand the problem;
 - (d) Whether the rezoning would result in spot zoning or generally be unrelated to either existing zoning or the pattern of development of the area;
 - (e) Whether the rezoning would create traffic which would traverse established single-family neighborhoods on minor streets, leading to congestion, noise and traffic hazards;
 - (f) Whether the rezoning conforms to the general expectations for population growth and distribution;
 - (g) Whether the rezoning would limit options for the acquisitions of future planned public facility sites, roads, open-space, etc.;
 - (h) Whether the rezoning would result in major changes in existing levels of public service, and/or fiscal stability;
 - (i) Whether the rezoning would achieve short term goals at the expense of long-term development goals;
 - (j) Whether the rezoning will adversely affect property values in the adjacent areas;
 - (k) Whether the rezoning will have an adverse physical impact on surrounding properties;
 - (l) Whether there are substantial reasons why the property cannot be used in accordance with its present zoning classification; and
 - (m) Whether the rezoning conforms to policies and recommendations contained in the Guyton and/or Effingham County Comprehensive Plan.
- A negative finding on one or more of these criteria shall not preclude approval of a rezoning.

Section 9. If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

Section 10. This ordinance shall become effective immediately upon its adoption by the City Council.

Section 11. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Approved this the _____ day of _____, 2023.

CITY OF GUYTON

RUSS DEEN, Mayor

ATTEST:

MATTHEW WALKER, City Clerk

PETITION REQUESTING ANNEXATION

CITY OF GUYTON, GEORGIA

TO THE HONORABLE CITY COUNCIL OF GUYTON, GEORGIA

1. The undersigned, as owner of all real property of the territory described herein, respectfully requests that the City Council annex this territory to the City of Guyton, Georgia and the City boundaries to include the same.
2. The territory to be annexed abuts the existing boundary of Guyton, Georgia and the description of such territory area is as follows:

Address/ Description of Property:

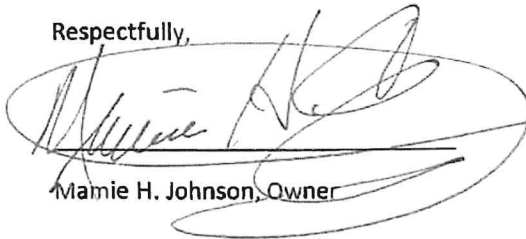
Parcel 03190013 Brogdon Road, Legal Description: 2.53 AC County (SEE G18*17). Zoning AR-2

3. It is requested that this territory to be annexed shall be zoned: R-1 (approximately 2.53 acres) for the following reasons.

The site is currently zoned AR-2. It is located within Effingham County limits. It is proposed to construct a residential building. organization will need the City of Guyton water and sewer services. Also, the property is adjacent to a property that is within the City of Guyton city limits, so it is logical to annex the property.

4. Therefore, the Petitioners pray that the City Council of the City of Guyton pursuant to the provisions of the Acts of the General Assembly of the State of Georgia, Laws ,1946 do by proper ordinance annex said property to the city limits to City o Guyton.

Respectfully,



Mamie H. Johnson, Owner

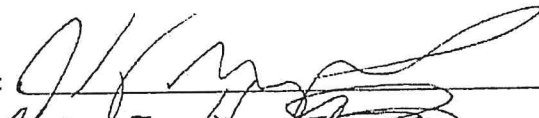
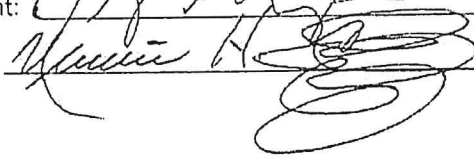
AUTHORIZATION FOR ANNEXATION

Application for Annexation

I swear that I am the owner of the property which is the subject matter of the attached application. AS is shown in the records of Effingham County, Georgia. I authorize the person named below to act as the applicant in the pursuit of annexation of this property.

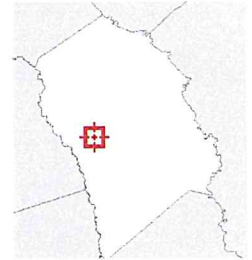
Applicant's Name: Joshua Maynard
Owner's Name: Mamie H. Johnson
Property Address: 0 Broaden St. Guyton, GA
City: Guyton
State: GA

Applicant Phone: 706-254-9759
Owner Phone: 904-483-5511

Signature of Applicant: 
Signature of Owner:  3/30/23



Overview



Legend

- Parcels
- Roads

Parcel ID	03190013	Owner	JOHNSON MAMIE H	Last 2 Sales			
Class Code	Agricultural		118 CROSS CREEK DR	Date	Price	Reason	Qual
Taxing District	01-County		POOLER, GA 31322	4/9/2021	\$60000	QZ	U
	County	Physical Address	540 BROGDON RD	3/16/2021	0	Y	U
Acres	2.53	Assessed Value	Value \$28488				

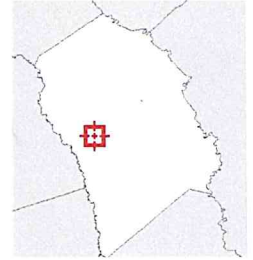
(Note: Not to be used on legal documents)

Date created: 4/5/2023
 Last Data Uploaded: 4/5/2023 1:59:13 AM

Developed by **Schneider**
 GEOSPATIAL



Overview



Legend

-  Parcels
-  Roads

Date created: 3/30/2023
Last Data Uploaded: 3/30/2023 1:40:09 AM

Developed by  **Schneider**
GEOSPATIAL